

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Douglas A.J. MOCKETT

Group Art Unit: (To be assigned)

Appln. No.: (To be assigned)

Examiner: (To be assigned)

Filed:

For: GROMMET

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This application is a continuation of U.S. Patent application No. 10/113,672, filed April 2, 2002, which is a continuation of U.S. Patent application No. 07/901,684 (the '684 application) filed June 22, 1992. The '684 application was involved in Interference No. 130,260 with U.S. Patent No. 5,167,047 (the '047 Patent) to Plumley. The Interference is currently before the U.S. District Court for the Central District of California in a stayed civil action for review of a decision by the Board of Patent Appeals and Interferences under 35 U.S.C. § 146.

The claims presented herewith were not involved in the Interference and are believed to be patentable over the '047 Patent even if the Interference is finally resolved against the '684 application and the '047 Patent is considered prior art. The present claims are submitted to be patentably distinct over the subject matter of the Interference. The sole count of the Interferences reads:

A cover for an aperture through a work surface,
the cover comprising a substantially flat body member
and a tab member for an aperture in the body member,

the body member having a shape similar to but larger in dimension than the aperture in the work surface, shank means depending from the reverse surface of the body member, the tab member being held under the reverse surface of the body member and pivotally movable relative to the body member between a closed position in which the tab closes the aperture in the body member and an open position in which the tab depends from the reverse surface of the body member, without projecting above the body member, the tab conforming to the size and shape of the aperture in the body member.

Applicant submits that the claims presented herewith are consistent with 37 C.F.R. § 1.658(c) and should thus be examined over the disclosure of the '047 Patent and all the relevant prior art. The applicant draws the examiner's attention to the prior art of record in the parent application, S.N. 10/113,672.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims beginning on page 4 of this paper.

Remarks begin on page 10 of this paper.